

Serial No. 10/665,948
Response date June 26, 2006
Reply to Office Action of April 25, 2006

REMARKS

Status of claims

Applicants thank the Examiner for the consideration given to the present application. Claim 61 has been canceled without prejudice and has been re-written as new claim 73 to correct informalities. Claims 42, 50, 57, 60, 62, 69, and 70 have been amended. Support for new claim 73 and these amendments is found in the specification and figures. No new matter has been added. Claims 42-60 and 63-73 are pending in the present application.

Claim Objections

Claims 61 and 62 have been objected to because of informalities. Accordingly, claims 61 has been canceled without prejudice, and new claim 73 has been submitted to correct the informalities the Examiner has objected to in claim 61. In addition, claim 62 has been amended to correct the typographical error objected to by the Examiner. Applicants respectfully request the claim objections be withdrawn.

Rejections Under 35 U.S.C. §112

Claim 69 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, claim 69 has been amended to correct the typographical error and thus respectfully request the rejection of claim 69 under 35 U.S.C. 112 be withdrawn.

Rejections Under 35 USC §102 and §103

Claims 42-43, 46, 48-50, 53, 55, 57-58, 60-65, 69-70 and 72 have been rejected under 35 U.S.C. §102(b) as being anticipated by Reid et al (5,591,332). Claims 44-45, 51, 67-68 and 71 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Reid ('332) in view of Gundrum et al. (5,891,334). Claims 52 and 56 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Reid ('332) in view of Reid (6,274,038). Claims 47, 54, 59 and 66 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Reid ('332).

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Under 35 U.S.C. §102, a single prior art reference must, either expressly or inherently, teach each and every element of the claims. *MPEP 2131*. Also, in order to establish a prima facie case of obviousness under 35 U.S.C. §103, the Examiner has the burden of showing, by reasoning or evidence, that, in part, the prior art references (or references when combined) teach or suggest all the claim limitations. *MPEP 2145*.

Applicants' independent claims 42, 50, and 57 recite a water treatment cartridge comprising, *inter alia*, an inlet, an outlet port, and a gap disposed between the inlet and outlet port when the water treatment cartridge is sealingly engaged to a water treatment device such that water is prevented from flowing into the gap. Applicants' independent claims 60 and 69 recite a water treatment device comprising, *inter alia*, an inlet, a treated water outlet passageway, and a gap disposed between the inlet and outlet passageway and configured to prevent water from flowing into the gap when the water treatment device is sealingly engaged to a water treatment cartridge. Applicants' independent claims 70 recites a water treatment system comprising, *inter alia*, an inlet, a treated water outlet passageway, and a gap disposed between the inlet and outlet passageway when the water treatment device is sealingly engaged to a water treatment cartridge such that water is prevented from flowing into the gap from the inlet to the treated water outlet passageway. As can be seen, all of Applicants' independent claims require a gap disposed between the inlet and either the outlet port or outlet passageway and configured to prevent water from flowing into the gap.

Applicants respectfully submit that none of the references, singularly or in combination, teach or suggest a gap disposed between the inlet and the outlet port or outlet passageway. The Examiner asserts that Reid et al. teach a gap. (Figs. 1-3). However, Reid et al.'s gap is not disposed between the inlet 136 and outlet port (140) as claimed by the Applicants. Rather, Reid et al.'s inlet 136 and outlet port 140 are disposed side-by-side without any gap separating the two. In fact, Reid et al.'s inlet 136 is disposed between the outlet 140 and the gap, which is in sharp contrast to Applicants' claimed gap positioned between the inlet and outlet port or outlet passageway. Applicants further submit that Reid et al.'s gap can not, and does not, prevent untreated water from passing from the inlet to the outlet port or passageway because the gap is not positioned between the two. Accordingly, Applicants respectfully submit that Reid et al. is

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void of any teaching or suggestion regarding a gap disposed between the inlet and outlet port or passageway as recited in Applicants' claims 42, 50, 57, 58, 60, 69, and 70.

Moreover, Applicants submit that Gundrum et al., singularly or in combination with Reid et al., do not teach or suggest a gap disposed between the inlet and outlet port or outlet passageway as claimed by Applicants. Gundrum et al. teach an untreated water inlet port 54 adjacent to an outlet port 55. (see Figs. 1 and 2). However, Gundrum et al. do not teach a gap disposed between inlet port 54 and outlet port 55. As shown in Figure 2, Gundrum et al. teach the untreated water flowing from untreated water inlet port 54 through a space adjacent to outlet port 55 and into untreated water inlet 23. Accordingly, Applicants respectfully submit that neither Reid et al. nor Gundrum et al. teach or suggest, singularly or in combination, a gap disposed between the inlet and outlet port or passageway and configured to prevent water from flowing into the gap.

Finally, Applicants respectfully submit that Reid, singularly or in combination with Reid et al. and Gundrum et al., does not teach or suggest Applicants' gap disposed between the inlet and outlet port or passageway. Reid teach an inlet 18 and an outlet 16, but Reid does not teach or suggest a gap disposed between the two. As shown in Figure 1, the inlet 18 is adjacent to outlet 16 separated only by O-rings 28 in neck 26. Thus, if O-Rings 28 fail in Reid, the untreated water entering inlet 18 may contaminate treated water exiting outlet 16. In sharp contrast, Applicants' invention includes a gap that separates the inlet from the outlet, which is configured to prevent water from flowing into the gap. Thus, for example, the gap prevents the untreated water entering the inlet from contaminating the treated water exiting the outlet port or passageway. As shown in the exemplary embodiment in Figure 11, even if seal 72 of fails, the untreated water gets trapped in the gap and is prevented from entering the treated water by seal 70. Therefore, Applicants respectfully submit that Reid et al., Gundrum et al., and Reid do not teach or suggest, singularly or in combination, a gap disposed between the inlet and outlet port or outlet passageway and configured to prevent water from flowing into the gap as recited in Applicants' claims 42, 50, 57, 60, 69, and 70. Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 42, 50, 57, 60, 69, and 70 under 35 U.S.C. 102 and 103. As claims 43-49, 51-56, 58, 59, 62-68, and 71-73 depend from independent claims 42, 50, 57,

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60, 69, or 70, Applicants request the withdrawal of the rejections under 35 U.S.C. 102 and 103 of these claims as well.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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